

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2198
(Senators Mathern, J. Lee, Wardner)
(Representatives R. Kelsch, Mueller, Klemin)

AN ACT to create and enact five new sections to chapter 50-06.4 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the provision of services to individuals with traumatic brain injury; to amend and reenact sections 50-06.4-02 and 54-38-05 of the North Dakota Century Code, relating to joint meetings and duties of the department of human services; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-06.4 of the North Dakota Century Code is created and enacted as follows:

Traumatic brain injury - Prevention and identification activities. The department shall provide outreach services and conduct public awareness efforts regarding the prevention and identification of traumatic brain injury.

SECTION 2. A new section to chapter 50-06.4 of the North Dakota Century Code is created and enacted as follows:

Traumatic brain injury - Services and activities - Acceptance of moneys. The department may accept and expend moneys from any public or private source, including federal sources, for any purpose involving traumatic brain injuries or the provision of services to individuals with traumatic brain injury and their families.

SECTION 3. A new section to chapter 50-06.4 of the North Dakota Century Code is created and enacted as follows:

Traumatic brain injury - Informal supports - Contracts - Exemption.

1. The department shall contract with public or private entities for the provision of informal supports to individuals with traumatic brain injury. As used in this section, "informal supports" includes information sharing and referral services, peer mentoring, training, facilitation of support groups, public awareness efforts, and individual and programmatic advocacy efforts.
2. Any entity contracting with the department under this section must:
 - a. Demonstrate expertise in serving and enhancing the quality of life for individuals with traumatic brain injury;
 - b. Agree to work in cooperation with the department, case managers, and veterans' service officers; and
 - c. Agree to consult with veterans and other individuals having a traumatic brain injury, their families, and their caregivers.
3. The department is exempt from complying with chapter 54-44.4 with respect to contracting for the provision of informal supports under this section.

SECTION 4. AMENDMENT. Section 50-06.4-02 of the North Dakota Century Code is amended and reenacted as follows:

50-06.4-02. Department to be lead agency - Cooperation of other agencies - Joint meeting. The department shall act as lead agency in the state for the purpose of coordinating services to persons with traumatic brain injury. At least annually the department shall call a joint meeting of the adjutant general, the state department of health, the department of veterans' affairs, and the superintendent of public instruction to discuss the provision of services to individuals with traumatic brain injury. State agencies and political subdivision agencies shall cooperate with the department to permit the department to efficiently coordinate services to persons with traumatic brain injury while avoiding duplication of services. Neither this chapter, nor any activity undertaken by the department under this chapter, may be construed as creating a right to any benefit or service not specifically required to be granted as a condition of the receipt of grants of federal funds.

SECTION 5. A new section to chapter 50-06.4 of the North Dakota Century Code is created and enacted as follows:

Social and recreational services. The department shall provide or contract for the provision of social and recreational services, including day supports, to individuals with traumatic brain injury, if the department determines that available vocational rehabilitative services do not meet the individuals' needs.

SECTION 6. A new section to chapter 50-06.4 of the North Dakota Century Code is created and enacted as follows:

Vocational rehabilitation and consultation. The department shall provide or contract for the provision of increased and specialized vocational rehabilitation and consultation to individuals with traumatic brain injury who receive case management for personal care services. Services under this section include extended support for individuals at risk of losing their employment upon exhausting their vocational services.

SECTION 7. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Traumatic brain injury - Home and community-based services - Outreach activities - Quality control.

1. As part of the personal care services program for eligible medical assistance recipients and as part of the department's services for eligible disabled and elderly individuals, the department shall provide home and community-based services to individuals who have moderate or severe impairments as a result of a traumatic brain injury. The department shall give priority under this section to individuals whose impairments are less severe or similar to those of individuals who are eligible for medicaid waivers.
2. The department shall conduct outreach and public awareness activities regarding the availability of home and community-based services to individuals who have moderate or severe impairments as a result of a traumatic brain injury.
3. The department shall conduct quality control activities and make training available to case managers and other persons providing services to individuals under this section.

SECTION 8. AMENDMENT. Section 54-38-05 of the North Dakota Century Code is amended and reenacted as follows:

54-38-05. Duties of department. The department shall:

1. Study alcoholism and drug abuse and related problems, including methods and facilities available for the care, custody, detention, treatment, employment, and rehabilitation of resident alcoholics and drug dependent persons.
2. Promote meetings and programs for the discussion of alcoholism and drug abuse or any of their aspects, disseminate information on the subject of alcoholism and drug abuse for the

guidance and assistance of individuals, courts, and public or private agencies for the prevention of alcoholism and drug abuse, and inform and educate the general public on problems of alcoholism and drug abuse, their prevention and treatment, to the end that alcoholism and drug abuse may be prevented and that persons suffering from alcoholism or drug dependency may be disposed to seek available treatment.

3. Conduct, promote, and finance, in full or in part, studies, investigations, and research, independently or in cooperation with universities, colleges, scientific organizations, and public or private agencies.
4. Accept for examination, diagnosis, guidance, and treatment, insofar as funds permit, any resident of the state coming to the department of that person's own volition for advice and guidance. For purposes of this subsection, "any resident" includes veterans and nonveterans who have a traumatic brain injury.
5. Establish, from time to time, policies governing the evaluation, acceptance, care, and treatment of alcoholics and drug dependent persons.
6. Develop, through consultation with the director of the department of transportation, a policy governing programs for persons who, subsequent to being convicted for traffic offenses, are referred to educational courses on alcohol, drugs, and driving.

SECTION 9. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$330,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing services to individuals with traumatic brain injury, for the biennium beginning July 1, 2009, and ending June 30, 2011.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2198.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 87 Nays 3 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State